

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

F I L E D

STATE OF OKLAHOMA, ex rel., et al.

APR 11 2006

Plaintiff

**Phil Lombardi, Clerk
U.S. DISTRICT COURT**

vs.

Case Number: 05-CV-0329-JOE-SAJ

TYSON FOODS, INC., et al.

Defendants and Third Part Plaintiffs

vs.

CITY OF TAHLEQUAH, et al.

Third Party Defendants

ANSWER OF JAMES R. LAMB AND DOROTHY JEAN LAMB, INDIVIDUALLY AND DBA STRAYHORN LANDING MARINA, PRO SE, TO THIRD PARTY COMPLAINT

James R. Lamb and Dorothy Jean Lamb (incorrectly identified in Third Party Complaint as Dorothy Gene Lamb) individually and d.b.a. Strayhorn Landing Marina (hereinafter referred to collectively as the "Strayhorn Defendants"), pro se, hereby respond as follows to the allegations set forth in the Third Party Complaint:

1. The Strayhorn Defendants are without knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 1-67 of the Third Party Complaint and therefore deny all such allegations.

2. With respect to paragraphs 68 and 69, the Strayhorn Defendants admit that James R. Lamb and D. Jean Lamb own property located on or near Lake Tenkiller, Oklahoma on which they operate a business known as Strayhorn Landing, which includes, inter alia, a

marina, boat rental, repair shop and retail store. The Strayhorn Defendants deny all remaining allegations set forth in paragraphs 68-69.

3. The Strayhorn Defendants are without knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 70-199 of the Third Party Complaint and therefore deny all such allegations.

4. Paragraphs 200 -221 are denied to the extent that they relate to the Strayhorn Defendants.

ADDITIONAL DEFENSES

In addition to its Answer to the allegations set forth above, the Strayhorn Defendants assert the following additional defenses which bar some or all of the Third Party Plaintiffs' claims:

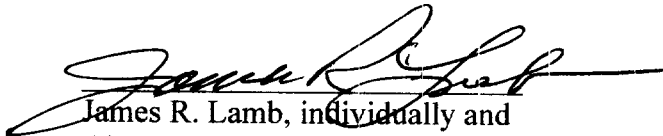
1. Improper service of process.
2. Any alleged damages were caused in whole or in part by Third Party Plaintiffs own negligence.
3. Any alleged damages were caused in whole or in part by other, unnamed persons or entities.
4. The list of third party complainants is incomplete and omits major parties both in Arkansas and Oklahoma within the Illinois River Watershed (IRW).
5. Strayhorn Defendants have operated their facilities in accordance with all competent authority including but not limited to the Oklahoma Department of Environmental Quality.
6. Strayhorn Defendants find the complaint violates the laws of physics in that the facilities operated by the Strayhorn Defendants are located fifteen miles downstream from the mouth of the Illinois River on Lake Tenkiller. Any hazard presented by the operations

of Strayhorn Defendants (the existence of which we deny) could not harm the IRW or more specifically the Illinois River.

7. WHEREFORE, the Strayhorn Defendants request that all claims against them be dismissed with prejudice; that Third Party Plaintiffs be required to reimburse them for all fees and costs in responding to this Third Party Complaint; and for all other relief that the Court deems just and proper.

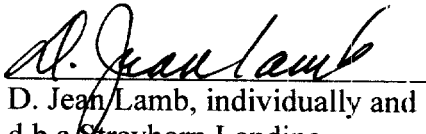
Respectfully submitted this ____ day of April, 2006.

JAMES R. LAMB

A handwritten signature in black ink, appearing to read "James R. Lamb", written over a horizontal line.

James R. Lamb, individually and
d.b.a. Strayhorn Landing
Rt. 1, Box 253
Gore, OK 74435
(918) 487-5595


D. JEAN LAMB

A handwritten signature in black ink, appearing to read "D. Jean Lamb", written over a horizontal line.

D. Jean Lamb, individually and
d.b.a. Strayhorn Landing
Rt. 1, Box 253
Gore, OK 74435
(918) 487-5595

CERTIFICATION OF SERVICE

The undersigned hereby certifies that he mailed via U.S. mail, first class, postage pre-paid, a copy of the foregoing Answer to all counsel of record in this case on April __, 2006.



James R. Lamb